

## ***CITY OF PLEASANT HILL***

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### **MINOR USE PERMIT**

#### **Application Guide**

#### **WHAT IS A MINOR USE PERMIT?**

For each land use district established in the City's Zoning Ordinance, various uses are categorized as either Permitted Uses, Conditional Uses, or Accessory Uses. Uses listed as Conditional Uses are subject to City issuance of a use permit. The purpose of the use permit procedure is to allow discretionary review by the City of land use proposals which because of the nature of the use, may, if at all, be suitable only if certain conditions of approval are incorporated into the proposal. The process allows the City to ensure that such uses will be compatible with surrounding land uses and the general public interest.

A minor use permit is a use permit pertaining to an existing structure or a portion of an existing structure. The permit procedure applies equally for residential, commercial, or industrially zoned properties.

In reviewing a minor use permit application, the Zoning Administrator will consider such items as building placement and size, traffic generation, compatibility with adjoining properties, and other potential impacts.

Based on the Zoning Administrator's professional evaluation, plus input from any other interested parties, the Zoning Administrator may then impose various conditions of project approval with respect to location, construction, hours of operation, and other neighborhood compatibility factors. Before the Zoning Administrator makes his final decision, a public hearing is required on each minor use permit application.

#### **WHAT ARE THE SPECIFIC REVIEW CRITERIA FOR A USE PERMIT?**

The Zoning Ordinance requires the Zoning Administrator to make specific findings on two issues. Positive findings must be made on the following:

1. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;

2. The proposed use will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the city; and
3. The proposed use is consistent with the policies and goals established by the general plan.

## **WHAT ARE THE STEPS?**

**Step 1** Preliminary Review - Prior to submittal of a formal application, it is recommended that the applicant discuss the proposed use with staff. The staff can, if requested, respond back in writing regarding the project conformity with the Zoning Ordinance and other issues, if appropriate.

**Step 2** Filing the Application - Application for a minor use permit should be made on the Community Development Department's Application for Development Review form. The application form must be accompanied by the additional supporting materials specified by the Community Development Department, including plans, drawings, and other project description information necessary to permit adequate review of the proposed action. A filing fee will be required for each minor use permit application in the amount set by the City Council.

A Community Development Department staff member will be assigned to review the application materials for completeness. Additional information may be required as staff review of the project progresses.

**Step 3** Environmental Review - Because minor use permits apply only to existing structures, they can be deemed to be exempt from any further environmental review. To exempt an application, the staff will review the application and determine if it is consistent with one of the exemption classifications.

If a project is not exempt, the staff will prepare an Initial Study. If no significant potential adverse environmental effects are identified, a Negative Declaration (a brief statement describing why an Environmental Impact Report is not required) will be prepared for the Zoning Administrator's approval. In very rare cases, an Environmental Impact Report may have to be prepared.

**Step 4** Zoning Administrator Review - The Zoning Administrator is required to hold at least one public hearing on the minor use permit application. The hearing will be held within 45 days of the application filing date. At least 10 days prior to the hearing, a notice will be mailed to all property owners and residents within 300 feet of the proposed use.

At the public hearing testimony from the applicant and other interested persons will be taken. The Zoning Administrator may then close the public hearing and

make a decision to approve, or deny the request, or may postpone the decision or continue the public hearing to a later date so that more information can be provided. After a Zoning Administrator decision is made, that decision will become final within 10 days unless an appeal is filed as described below.

**Step 5 Architectural Review** - Following Zoning Administrator approval of the request, most minor use permit applications involving either building facade changes or signs are also subject to the City's site plan and architectural review requirements (certain specified minor projects are exempt). The Architectural Review Commission has a separate applicant guides which can be obtained from the Community Development Department. Applicants are encouraged to apply for all approvals at the time of the original application to allow for concurrent processing.

**Step 6 Building Permit Issuance** - After 10 days have elapsed from Zoning Administrator and Architectural Review Commission approval, whichever is later, and all application approval requirements and related ordinances have been complied with, the City Building Inspector may issue a Building Permit if one is required. The Building Inspector will then work to ensure that the project is completed in compliance with all permits, approved plans, and related conditions.

**Step 7 Business License** - Following the Zoning Administrator, Architectural Review Commission and compliance with all building permits, but prior to opening of the business, the applicant should apply and pay the necessary fee to the Finance Department for a Business License.

## **WHAT MUST BE SUBMITTED?**

All submittal information required in the General Submittal Requirements Checklist shall be presented including the Application for Development Review form and related fees to the Community Development Department before the application can be accepted as complete.

## **MAY A DECISION BE APPEALED?**

You or anyone else who is dissatisfied with the decision of the Zoning Administrator may appeal that decision to the Planning Commission. To appeal, a written statement and filing fee must be filed with the Community Development Director within 10 days after the decision is made at a public meeting. A public hearing will then be set before the Planning Commission to consider the appeal.

If no appeal to a decision is filed within 10 days, the decision of the Zoning Administrator will be considered final.

## **WHEN DOES THE ZONING ADMINISTRATOR MEET?**

The Zoning Administrator holds Public Hearings on the first and third Wednesday of each month, as necessary. These meetings commence at 2:00 p.m. and are held in the City Council Chambers.